

ORDINANCE NO. 2018-1406

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, PROPOSING AND SUBMITTING AMENDMENTS TO THE CHARTER OF THE CITY OF GOODYEAR; AMENDMENT TO ARTICLE IX, SECTION 5 OF THE CHARTER OF THE CITY OF GOODYEAR, TO CHANGE THE DATES OF CITY ELECTIONS TO THE FALL OF EVEN NUMBERED YEARS; AMENDMENT TO ARTICLE IX SECTION 6 PROVIDING THAT A CANDIDATE WHO RECEIVES THE MAJORITY OF VOTES CAST IN THE PRIMARY COUNCIL ELECTION SHALL BE DECLARED ELECTED TO OFFICE; AND TO ARTICLE II SECTION 13 PROVIDING THAT INDUCTIONS OF THE MAYOR AND CITY COUNCIL SHALL OCCUR AT THE FIRST REGULAR MEETING IN JANUARY FOLLOWING THE DATE OF A GENERAL ELECTION; AND DECLARING AN EMERGENCY.

WHEREAS, the Governor of Arizona approved the Goodyear City Charter in 2004; and

WHEREAS the Charter may be amended in any part or article or section thereof, in the manner provided by the Constitution of this State; and

WHEREAS, the City Council has the authority to refer proposed changes to the City Charter to the electors of the city; and

WHEREAS, in 2012 the Arizona Legislature passed House Bill 2826, which provided that elections for political subdivisions of the State be held only in the fall of even- numbered years; and

WHEREAS, in 2018 the Arizona Legislature passed House Bill 2604, which established another requirement for Arizona political subdivisions of the State to move their local elections to the fall of even-number of years in certain circumstances; and

WHEREAS, Article IX, Section 5 of the Charter for the city of Goodyear, requires that city elections be held in the spring of odd-numbered years; and

WHEREAS, the City Council seeks to refer the question of whether to change the Charter of the city of Goodyear to be consistent with State law on the scheduling of elections dates and induction of newly elected Mayor and Councilmembers into office and to clarify on what basis the calculation shall be made on whether a candidate is elected at a primary election;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. That Amendment to Article IX, Section 5 attached hereto and by reference made a part hereof be proposed by this Council and submitted to the qualified voters of Goodyear, Arizona, at a special election in March 2019, pursuant to A.R.S. 9-283 (C).

SECTION 2. That Amendment to Article IX, Section 6 attached hereto and by reference made a part hereof be proposed by this Council and submitted to the qualified voters of Goodyear, Arizona, at a special election in March 2019, pursuant to A.R.S. 9-283 (C).

SECTION 3. That Amendment to Article II, Section 13 attached hereto and by reference made a part hereof be proposed by this Council and submitted to the qualified voters of Goodyear, Arizona, at a special election in March 2019, pursuant to A.R.S. 9-283 (C).

SECTION 4. That said election is held pursuant to the provisions of the applicable statutes, Charter provisions, ordinances and resolutions of the City.

SECTION 5. That in order to preserve the peace, health and safety of the residents of the city of Goodyear, an emergency be and the same hereby is declared to exist and this Ordinance shall become effective from and after its passage.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2018-1406 is a true, correct and accurate copy of Ordinance No. 2018-1406, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 1

Official Title:

CONSIDERATION BY THE ELECTORS OF THE CITY OF GOODYEAR OF THE QUESTION OF WHETHER SECTION 5 OF ARTICLE IX, TIME OF HOLDING PRIMARY AND GENERAL ELECTIONS, OF THE CHARTER OF THE CITY OF GOODYEAR SHOULD BE AMENDED AS FOLLOWS:

Section 5 Time of Holding Primary and General Elections

~~Primary elections shall be held on the second Tuesday in March of odd-numbered years preceding the General election on the third Tuesday in May of odd-numbered years.~~
COMMENCING IN 2022, ELECTIONS OF THE OFFICE OF MAYOR AND COUNCIL SHALL BE HELD ON DATES AS SPECIFIED BY STATE LAW IN THE FALL OF EVEN-NUMBERED YEARS. NOTWITHSTANDING OTHER CHARTER PROVISIONS TO THE CONTRARY, A MAYOR OR CITY COUNCIL MEMBER SHALL HOLD OFFICE UNTIL THEIR SUCCESSOR IS OTHERWISE QUALIFIED.

Descriptive Title

In 2012, the Arizona Legislature approved House Bill 2826, known as “Consolidated Elections”, which required that all regular elections for any subdivisions of the State (including counties, cities, towns, and school districts) must be held in during the fall of even-numbered years, beginning in 2014. In 2018, the Arizona Legislature approved House Bill 2604, which established another requirement for Arizona political subdivisions of the State to move their local elections to the fall of even-number of years in certain circumstances. The City of Goodyear currently holds elections in the spring of odd-numbered years, which is now inconsistent with State statute. This amendment will resolve the inconsistency by moving City elections to the fall of even-numbered years beginning in 2022 and provide that the Mayor and City Council members shall serve until their successors are qualified.

Ballot Language

SHALL SECTION 5 OF ARTICLE IX, TIME OF HOLDING PRIMARY AND GENERAL ELECTIONS OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO PROVIDE FOR CITY ELECTIONS IN THE FALL OF EVEN-NUMBERED YEARS COMMENCING IN 2022?

☐ YES

A YES vote shall have the effect of changing the primary and general election dates for the office of Mayor and Council to the fall of even-numbered years.

☐ NO

A NO vote shall have the effect of keeping the primary and general election dates for the office of Mayor and Council in the spring of odd-numbered years.

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 2

Official Title:

CONSIDERATION BY THE ELECTORS OF THE CITY OF GOODYEAR OF THE QUESTION OF WHETHER SECTION 6, ARTICLE IX MAJORITY TO ELECT IN PRIMARY, OF THE CHARTER OF THE CITY OF GOODYEAR SHOULD BE AMENDED AS FOLLOWS:

Section 6 Majority to Elect in Primary

At the primary election, any candidate who shall receive a majority of all the votes cast **FOR THE SUBJECT OFFICE** at such election shall be declared elected to the office for which he is a candidate, and no further such election shall be held as to said candidate. If more candidates receive a majority vote than vacancies to be filled, those receiving the highest number of votes shall be declared elected, equal to the number of vacancies.

Descriptive Title

This Charter amendment clarifies that the calculation of the number of votes needed by a candidate to be elected to office at a primary election shall be based only upon the number of votes cast for that particular office, not the entire number of votes cast in the election as a whole.

Ballot Language

SHALL SECTION 6 OF ARTICLE IX, MAJORITY TO ELECT IN PRIMARY, OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO PROVIDE THAT THE NUMBER OF VOTES NEEDED TO BE ELECTED TO OFFICE AT A PRIMARY ELECTION BE THE MAJORITY OF VOTES CAST FOR THE PARTICULAR OFFICE AT ISSUE?

☐ YES

A YES vote shall have the effect of changing the Goodyear Charter to base the election of a candidate at a primary election receiving the majority of votes cast for that particular office.

☐ NO

A NO vote shall have the effect of keeping the current Goodyear Charter language that basis the election of a candidate at a primary election receiving the majority of all votes cast in the election.

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 3

Official Title:

CONSIDERATION BY THE ELECTORS OF THE CITY OF GOODYEAR OF THE QUESTION OF WHETHER SECTION 13, OF ARTICLE II INDUCTION OF MAYOR AND COUNCIL INTO OFFICE, OF THE CHARTER OF THE CITY OF GOODYEAR SHOULD BE AMENDED AS FOLLOWS:

Section 13 Induction of Mayor and Council into Office

At the first regular meeting ~~in April~~ **IN THE MONTH** following the date of the general election, the Council shall hold a meeting for the purpose of inducting the newly-elected Mayor and Council members, and to elect a Vice-Mayor and to organize the Council.

Descriptive Title

This administrative Charter amendment clarifies that newly elected members of the Goodyear City Council will be sworn into office at the first regular meeting in the month following a general election, not necessarily during the month of June.

Ballot Language

SHALL SECTION 13, OF ARTICLE II, INDUCTION OF MAYOR AND COUNCIL INTO OFFICE, OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED FROM THE FIRST REGULAR MEETING IN JUNE TO THE FIRST REGULAR MEETING IN THE MONTH THAT FOLLOWS A GENERAL ELECTION?

☐ YES

A YES vote shall have the effect of changing the Goodyear Charter to induct newly elected Mayor and City Council members from the first regular meeting in June, to the first regular meeting in the month following a general election.

☐ NO

A NO vote shall have the effect of keeping the current Goodyear Charter language that inducts newly-elected Mayor and City Council members at the first regular meeting in June following a general election.